

HIGH COURT OF CHHATTISGARH, BILASPUR

WPCR No. 169 of 2016

Ajay Prajapati, S/o. Shri Suresh Prajapati, Aged About 24 Years, R/o. Talapara Kumkarpara, Bilaspur, Police Station Civil Lines, Tahsil, Civil & Revenue District Bilaspur, (Chhattisgarh).

---- Petitioner

Versus

1. The Inspector General Of Police, Raipur, (Chhattisgarh)
2. The Superintendent Of Police, Bilaspur, (Chhattisgarh)
3. The Officer-In- Charge, Police Station- Civil Lines, Bilaspur, Civil & Revenue District Bilaspur, (Chhattisgarh)

---- Respondents

For Petitioner	:	Mr. Devesh G. Kela, Advocate
For State	:	Mr. Neeraj Jain, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

14/02/2017

Heard

1. The instant petition is filed claiming the following reliefs :

10.1) That, the Hon'ble Court may kindly be pleased to call for the entire records of the case for perusal from the respondents 1 to 3.

10.2) That, the Hon'ble Court be pleased to issue direction to Respondents 1 to 3 to make proper investigation in the case by getting it investigated by some senior police officer.

10.3) That such other reliefs which the Hon'ble Court deems fit in the circumstances of the case be also granted to the petitioner.
2. Perusal of the documents would show that on an FIR filed by the mother of the prosecutrix on 15.05.2016 wherein the allegation of rape has been made against the petitioner, during investigation, the petitioner has been arrested on 16.05.2016.

3. Learned counsel for the petitioner would submit that the investigation has not been carried out fairly and the victim has only named Ajay which do not identify the present petitioner, therefore, without proper investigation, the applicant has been arrested and therefore proper investigation be ordered for.
4. Perused the statement of the victim who appears to be aged about four years child as also the statement of the mother of the victim. Considering the statements, at this stage, when the charge sheet has been filed, it would be completely illogical and would be usurping the power of the Trial Court by commenting and giving finding with respect to fairness of investigation at behest of accused and giving a finding that proper investigation has not been done. It would lead to route for acquittal of the petitioner without being appreciating the evidence. It is for the Trial Court to appreciate the evidence and if at all the petitioner feels aggrieved that he has wrongly been inculpated in the crime, the other remedies are open to him and even the erring police officers can be taken to task. At this stage, giving any finding on merit will amount to interference with the sessions trial, which is pending and would amount to give clean chit to the petitioner. Since the sessions trial is already pending, the petition has no substance as this Court is not meant for excavating the proposed defence. It is for the petitioner to establish his innocence before the Court below.
5. In view of the above, the petition having no substance is hereby dismissed at the admission stage itself.